

*Jim Justice*  
*Governor of West Virginia*

May 13, 2019

Brad McElhinny  
Statewide Correspondent  
West Virginia MetroNews  
1111 Virginia Street, East  
Charleston, WV 25311

VIA ELECTRONIC MAIL

Dear Mr. McElhinny,

The Office of the Governor received your email on May 6, 2019, in which you requested, pursuant to the Freedom of Information Act ("FOIA"), W. Va. Code § 29B-1-1, *et seq.*, access to and copies of the following records:

[C]opies of public records that represent correspondence between MaryAnn Tierney of FEMA Region III and representatives of the West Virginia Governor's Office from June 24, 2016, to the present.

Correspondence between Stanley Gimont of HUD and representatives of the West Virginia Governor's Office from June 24, 2016, to the present.

This office has completed its search for and review of the public records in its custody that fall within the scope of your request. Enclosed please find a copy of the record that is responsive under FOIA. Records containing personal, non-public information, attorney work product and/or privileged communications have been partially redacted.

The responsibilities of this office in connection with your FOIA request are now at an end. You are advised that FOIA affords you the opportunity to seek injunctive or declaratory relief in the Circuit Court of Kanawha County, West Virginia. Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Bentley".

Berkeley Bentley  
Deputy General Counsel and  
Senior Counsel for Legislative and Policy

## Urling, Ann V

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**From:** Abraham, Brian R  
**Sent:** Friday, December 15, 2017 12:21 PM  
**To:** Hall, Mike; Adkins, Donnie L; Urling, Ann V  
**Subject:** Fwd: 428 Extension Request for Nicholas County Schools

Sent from my iPhone

Begin forwarded message:

**From:** "Tierney, MaryAnn" <[MaryAnn.Tierney@fema.dhs.gov](mailto:MaryAnn.Tierney@fema.dhs.gov)>  
**Date:** December 15, 2017 at 12:17:43 PM EST  
**To:** "[Brian.R.Abraham@wv.gov](mailto:Brian.R.Abraham@wv.gov)" <[Brian.R.Abraham@wv.gov](mailto:Brian.R.Abraham@wv.gov)>, "Gianato, Jimmy" <[jimmy.j.gianato@wv.gov](mailto:jimmy.j.gianato@wv.gov)>  
**Cc:** "Welch, Robert" <[Robert.Welch@fema.dhs.gov](mailto:Robert.Welch@fema.dhs.gov)>, "Simpson, Steve" <[Steve.Simpson@fema.dhs.gov](mailto:Steve.Simpson@fema.dhs.gov)>, "Senycz, Michael" <[Michael.Senycz@fema.dhs.gov](mailto:Michael.Senycz@fema.dhs.gov)>, "Snyder, Kevin" <[kevin.snyder@fema.dhs.gov](mailto:kevin.snyder@fema.dhs.gov)>, "Ward, Steven S." <[Steven.Ward@fema.dhs.gov](mailto:Steven.Ward@fema.dhs.gov)>  
**Subject:** 428 Extension Request for Nicholas County Schools

Hi Jimmy and Brian:

I am writing to let you know that FEMA has granted a 9 month extension to WV to exercise the option to utilize Section 428 authorities – the Public Assistance Alternative Procedures Program. As you know, this option was set to expire December 26, 2017.

WV will now have until September 25, 2018 to exercise this option.

The Governor requested a six month extension of the December 26, 2017 deadline on September 8, 2017. However, following our meeting this week, the Agency determined it is beneficial to allow more time to accomplish both the mediation and the development of the negotiated scope of work.

I will be sending a letter to the Governor regarding the disposition of his request and I will have that completed before our December 21, 2017 meeting with the State and Nicholas County Boards of Education.

If you have any questions, please let me know.

MaryAnn Tierney  
Regional Administrator  
FEMA Region III

215-931-5600 (office)  
 (mobile)  
@maryanntierney (Twitter)  
[maryann.tierney@fema.dhs.gov](mailto:maryann.tierney@fema.dhs.gov)

Click the quote below for tips on Winter Weather Preparedness!

"Don't crowd the plow."  
[www.ready.gov/winter](http://www.ready.gov/winter)

## **Urling, Ann V**

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**From:** Urling, Ann V  
**Sent:** Monday, November 6, 2017 11:44 AM  
**To:** Foreman, Sherri  
**Subject:** FW: Items for Wednesday's Meeting  
**Attachments:** Draft Proposed News Release - Consensus Building.docx; ATT00001.htm; WV Governor's Disaster Recovery Summit\_01.pdf; ATT00002.htm

**Ann Urling**  
**Deputy Chief of Staff**  
Office of Governor Jim Justice  
1900 Kanawha Boulevard, East  
Charleston, WV 25305  
(304) 558-2000 ext. 3147  
(304) 342-7025 - fax

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**From:** Abraham, Brian R  
**Sent:** Friday, October 13, 2017 3:12 PM  
**To:** Adkins, Donnie L <Donnie.L.Adkins@wv.gov>; Hall, Mike <Mike.Hall@wv.gov>; Blaine, Rebecca D <Rebecca.D.Blaine@wv.gov>; Urling, Ann V <Ann.V.Urling@wv.gov>  
**Subject:** Fwd: Items for Wednesday's Meeting

Sent from my iPhone

Begin forwarded message:

**From:** "Ward, Steven S." <[Steven.Ward@fema.dhs.gov](mailto:Steven.Ward@fema.dhs.gov)>  
**Date:** October 13, 2017 at 2:58:18 PM EDT  
**To:** "Brian.R.Abraham@wv.gov" <[Brian.R.Abraham@wv.gov](mailto:Brian.R.Abraham@wv.gov)>  
**Cc:** "Jimmy Gianato ([jimmy.j.gianato@wv.gov](mailto:jimmy.j.gianato@wv.gov))" <[jimmy.j.gianato@wv.gov](mailto:jimmy.j.gianato@wv.gov)>, "Senycz, Michael" <[Michael.Senycz@fema.dhs.gov](mailto:Michael.Senycz@fema.dhs.gov)>, "Welch, Robert" <[Robert.Welch@fema.dhs.gov](mailto:Robert.Welch@fema.dhs.gov)>, "Tierney, MaryAnn" <[MaryAnn.Tierney@fema.dhs.gov](mailto:MaryAnn.Tierney@fema.dhs.gov)>  
**Subject:** Items for Wednesday's Meeting

Brian:

First of all, thank you and Chief of Staff Hall for your time meeting with us on Wednesday to discuss our various items and concerns. Here is a brief synopsis of our actions:

- The Governor will sponsor the consensus building effort that was started on Wednesday, the 11<sup>th</sup> of October. Key dates upcoming include:
  - Preliminary Assessment and development of participant list – now through the 27<sup>th</sup> of October
  - Assessment in West Virginia – 30 Oct – 10 Nov
  - Final Report to Governor's Office – week of the 4<sup>th</sup> of Dec
  - **Key Ask:** to insure there is no confusion as the team starts their assessment, we recommend an announcement by the Governor's office regarding the initiative despite the Superintendent of Schools announcement. I have attached a draft press release for your consideration.
- The Governor will sponsor the Disaster Recovery Summit on the 7<sup>th</sup> of November. As discussed, this will be a small group of decision makers plus one to craft the overarching, unified strategy that multiple state and federal agencies will use to guide recovery funding decisions related to the June 2016 flood event strategy.
  - A "Save the Date" has been sent to the principals,
  - **Key Ask:** it would be very helpful if the Governor's Office reinforced the importance of the meeting by sending the invite to the key decision makers.
  - A more detailed discussion of the goals and event details is attached.

Please do not hesitate to contact me or Michael Senycz (cc'ed and 703.946.2330) with any questions.

Thank you again for your support of these important initiatives.

**Steve Ward, CEM**  
 Federal Coordinating Officer, FEMA-4331-DR-WV  
 Federal Emergency Management Agency  
 US Department of Homeland Security  
 (Cell)



Oct., 2017

# News Release

## **Governor to Sponsor Consensus-Building Project on School Consolidation**

**Charleston, W.Va.** — Gov. Jim Justice announced today a first step in a state-sponsored project to build consensus on the way ahead for the three Nicholas County schools destroyed by the June, 2016 floods.

“We’ll seek the skills of a neutral facilitator to build consensus on the location of the school buildings,” said Gov. Justice. “Consensus will be the key to coming to agreement on a workable solution that will meet the needs of Nicholas County students as well as effectively using federal dollars to rebuild these schools.”

The announcement was made after the West Virginia Supreme Court of Appeals ruled in favor of the West Virginia State Board of Education in their rejection of the Nicholas County Board of Education’s plan to consolidate Summersville Middle School, Richwood High School and Richwood Middle School into a single campus.

Federal dollars to rebuild the schools will come from the Federal Emergency Management Agency’s Public Assistance Program with the non-federal match supported by the State. The state works with FEMA to administer the program.

This first phase of the state’s initiative will include an assessment of the current situation, engagement with key stakeholders from all sides of the discussion, and presentation of possible options for moving forward with a consensus-building process. These options will be presented to state, local and federal leaders as recommendations that could best assist them in meeting the needs of Nicholas County students and effectively delivering disaster assistance funds.

Delivery of the report is expected to be two months after the project start and is planned by mid-December.

“This initiative is important to the state, to the Nicholas County schools, but above all, to the students who attend those schools,” said the Governor.

###

## West Virginia Governor's Disaster Recovery Summit

### Purpose

To develop an overarching, unified strategy that multiple state and federal agencies will use to guide recovery funding decisions related to the June 2016 flood event. This unified strategy should enable informed decision-making by senior leadership at all levels: local, state, and federal. As a first step in creating this unified strategy, this summit will convene senior level state and federal officials to build consensus on strategic priorities, a framework for the strategy, and a path forward and timeline for the strategy's development. While the summit will focus on how to maximize almost \$700 million in funding available following flooding in June 2016, this approach can be applied to future resource allocation and funding decisions that will enhance the West Virginia's resilience while also spurring economic development and creating jobs.

### Event Details

**Date:** Tuesday, November 7, 2017  
**Time:** 9:00am – 11:00am  
**Proposed Location:**  
 WV Capitol Complex  
 1900 Kanawha Blvd E.  
 Building 3; 8<sup>th</sup> Floor

### Proposed Participants \*

Agency	Name	Position
WV Governor's Office	Mike Hall	Chief of Staff
WV Department of Commerce	Woody Thrasher	Cabinet Secretary
WV Department of Military Affairs	Jeff Sandy	Cabinet Secretary
WVNG	James Hoyer	Adjutant General
WV DHSEM	Jimmy Gianato	Director
VOAD	Jenny Gannaway	Director
US Senate	Shelley Moore Capito	Senator
US Senate	Joe Manchin	Senator
US House of Representatives	Alex Mooney	Representative
US House of Representatives	Evan Jenkins	Representative
US House of Representatives	David McKinley	Representative
HUD	Joe DeFelice	Region III Administrator
FEMA	MaryAnn Tierney	Region III Administrator
EDA	Linda Cruz-Carnall	Regional Director

\* - Proposed Participants are asked to bring themselves, plus one (1) additional attendee to act as their action officer for implementation.

West Virginia  
Governor's Disaster Recovery Summit

Draft Agenda	Time
<b>Welcome &amp; Introductions</b> <ol style="list-style-type: none"> <li>1. Overview of Recovery Summit Process</li> <li>2. Goals of Summit               <ol style="list-style-type: none"> <li>a. Create Common Understanding of Available Resources</li> <li>b. Identify and Agree to State Recovery Priorities</li> <li>c. Establish Holistic and Synchronized Strategy for Recovery</li> <li>d. Set Conditions for the Future</li> </ol> </li> <li>3. Update from Recovery Partners               <ol style="list-style-type: none"> <li>a. Department of Commerce</li> <li>b. WV DHSEM</li> <li>c. WVNG</li> </ol> </li> </ol>	9:00am – 9:15am (15 Minutes)
<b>Create Common Understanding of Available Resources</b> <ol style="list-style-type: none"> <li>1. Overview of Current Disaster Funds</li> <li>2. Explanation of Funding Restrictions/ Requirements</li> <li>3. Description of HUD's CDBG-DR Action Plan Process</li> </ol>	9:15am – 9:45am (30 Minutes)
<i>*Background information provided in read ahead documents.</i>	
<b>Identify and Agree to State Recovery Priorities</b> <ol style="list-style-type: none"> <li>1. Overview of Current Conditions</li> <li>2. Identification of Priority Areas</li> <li>3. Strategy to Leverage Disaster Funds</li> <li>4. Coordination of Key Stakeholders</li> <li>5. Communication Plan</li> </ol>	9:45am – 10:30am (45 Minutes)
<b>Establish Holistic and Synchronized Strategy for Recovery</b> <ol style="list-style-type: none"> <li>1. Establish Timeline for Strategy Development &amp; Implementation</li> <li>2. Appointment of Action Officers               <ol style="list-style-type: none"> <li>a. Roles &amp; Responsibilities</li> <li>b. Overview of Tasks</li> </ol> </li> <li>3. Set Conditions for Future               <ol style="list-style-type: none"> <li>a. Schedule Future Meeting</li> <li>b. Monitoring Implementation of Strategy</li> <li>c. Performance Measures</li> <li>d. Translation of Strategy to Local Stakeholders</li> <li>e. How to Apply Strategy to Future Disasters</li> </ol> </li> </ol>	10:30am – 11:00am (30 Minutes)



Foreman, Sherri

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**From:** Foreman, Sherri  
**Sent:** Wednesday, February 14, 2018 10:37 AM  
**To:** Maryann.tierney@fema.dhs.gov  
**Subject:** appointment for Ms. Leaptrot as Alternate Authorized Representative (GAR)  
**Attachments:** SKM\_C654e18021316200.pdf

Good Morning Ms. Tierney,

See attached appointment letter for Ms. Leaptrot. Mr. Todorovich will give you the original this week.

Thank you!



**Sherri Foreman**  
*Executive Assistant to Chief of Staff*  
**Office of Governor Jim Justice**  
**State Capitol**  
**1900 Kanawha Boulevard, East**  
**Charleston, WV 25305**  
304-558-2000 ext. 5407 (office)  
304-342-7025 (fax)



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*Jim Justice*  
*Governor of West Virginia*

February 13, 2018

Ms. Mary Ann Tierney  
Regional Administrator  
Federal Emergency Management Agency  
615 Chestnut Street  
Philadelphia, PA 19106-4404

Re: Appointment of Alternate Governor's Authorized Representative

Dear Ms. Tierney:

Effective immediately, I am appointing Maggie R. Leaptrot, as a Governor's Alternate Authorized Representative for all currently active federal disasters and any future disasters that may be declared in the State of West Virginia.

Ms. Leaptrot accepted the position of Chief Financial Officer (CFO) of Division of Homeland Security and Emergency Management and works directly in all areas of FEMA Disaster Grant management.


Please accept this letter as my approval for Ms. Maggie R. Leaptrot's "Delegation of Authority" letter for all WV FEMA (non-disaster) grants. Included with this delegation of authority is the approval for Ms. Leaptrot to sign, submit, and full access to all WV FEMA (non-disaster) grants.

Contact information for Ms. Leaptrot follows:

West Virginia Division of Homeland Security and Emergency Management  
Building 1, Room EB 80  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Maggie R. Leaptrot  
Email: [maggie.r.leaptrot@wv.gov](mailto:maggie.r.leaptrot@wv.gov)  
Office Phone: 304-558-5380

Sincerely,



Jim Justice  
Governor



*Jim Justice*  
*Governor of West Virginia*

May 1, 2018

MaryAnn Tierney  
Regional Administrator  
Federal Emergency Management Agency Region III  
615 Chestnut Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19131

Dear Mrs. Tierney:

Pursuant to 44 CFR part 204, I would like to appoint the following individuals as pre-determined Fire Management Assistance Grant (FMAG) governor's authorized representatives (GAR):

FMAG Governor's Authorized Representative

Jimmy J. Gianato      Director, WV DHSEM      304-558-5380      [jimmy.j.gianato@wv.gov](mailto:jimmy.j.gianato@wv.gov)

FMAG Alternate Governor's Authorized Representative

Michael L. Todorovich      Deputy Director, WV DHSEM      304-558-5380      [michael.l.todorovich@wv.gov](mailto:michael.l.todorovich@wv.gov)

In the event of an uncontrolled wildfire, the above named individuals will have the authority, to request a FMAG declaration and execute any required documents related to that process.

Should you have any question regarding this letter, please contact Director Jimmy Gianato or Deputy Director Michael Todorovich at the contact information noted above.

Sincerely,

A handwritten signature of Jim Justice in dark ink.

Jim Justice  
Governor

cc: Secretary Jeff Sandy  
Director Jimmy Gianato  
Deputy Director Michael Todorovich  
State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



*Jim Justice*  
*Governor of West Virginia*

August 14, 2017

Ms. Mary Ann Tierney  
Regional Administrator  
Federal Emergency Management Agency  
615 Chestnut Street  
Philadelphia, PA 19106-4404

Re: Appointment of Governor's Authorized Representative

Dear Ms. Tierney:

Effective immediately I am appointing Michael L. Todorovich as a Governor's Alternate Authorized Representative for all currently active federal disasters and any future disasters that may be declared in the State of West Virginia.

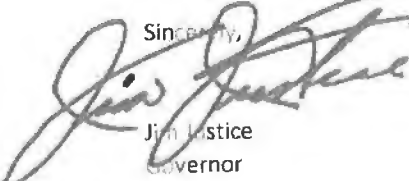
Mr. Todorovich accepted the WV DHSEM position as Deputy Executive Director of Division of Homeland Security and Emergency Management and works directly in all areas of FEMA Disaster Grant management.

Please accept this letter as my approval for Mr. Michael L. Todorovich's "Delegation of Authority Letter" for all WV FEMA (non-disaster) grants. Included with this delegation of authority is the approval for Mr. Todorovich to sign, submit, and full access to all WV FEMA (non-disaster) grants.

Contact information for Mr. Todorovich follows:

West Virginia Division of Homeland Security and Emergency Management  
Building 1, Room EB 80  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Michael L. Todorovich  
Email: [michael.l.todorovich@wv.gov](mailto:michael.l.todorovich@wv.gov)  
Office Phone: (least preferred) 304-558-5380  
Cell Phone: [REDACTED]  
Personal Cell Phone: [REDACTED]

Sincerely,  
  
Jim Justice  
Governor

## Swecker, Felicia M

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**From:** Swecker, Felicia M  
**Sent:** Monday, July 16, 2018 10:55 AM  
**To:** Gianato, Jimmy J  
**Subject:** Letter From FEMA  
**Attachments:** U.S. Department of Homeland Security.pdf

Good morning:

The Governor's office received the attached letter from MaryAnn Tierney from the U.S. Department of Homeland Security. I am forwarding to you, just as an FYI.

Thanks,



**Felicia Marie Swecker**  
*Special Assistant to General Counsel*  
**Office of Governor Jim Justice**  
**State Capitol**  
**1900 Kanawha Boulevard, East**  
**Charleston, WV 25305**  
304-558-2000 (office)  
304-558-1962 (fax)



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U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**JUN 28 2016**

The Honorable Jim Justice  
Governor of Charleston West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

Re: Acknowledgement Pre-Determined FMAG Program GAR/AGAR

Dear Governor Justice:

In a recent letter, FEMA Region III requested that you pre-designate a point of contact for the Fire Management Assistance Grant (FMAG) Program. Authorized by The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121, et seq., the FMAG Program can be utilized by States in the event of an uncontrolled wildfire when local and State efforts are insufficient to stop the spread of the fire and mitigate risk to the surrounding environment. In your response letter, it was indicated that the following will be appointed as the FMAG point of contact:

<b>Fire Management Assistance Grant (FMAG) Program Representative</b>
---

Jimmy J. Gianato
------------------

<b>Alternate Fire Management Assistance Grant (FMAG) Program Representative</b>
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Michael L. Todorovich
-----------------------

I would like to thank you for notifying FEMA Region III of your FMAG appointment. We have updated our records accordingly. Should you have questions regarding the FMAG Program, please feel free to reach out to Aaron Verkist, *Emergency Management Specialist*, via email at [Aaron.Verkist@fema.dhs.gov](mailto:Aaron.Verkist@fema.dhs.gov).

Sincerely,

MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEM  
Steve Simpson, Recovery Division Director, FEMA

U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**JUN 28 2016**

The Honorable Jim Justice  
Governor of Charleston West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

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Jimmy J. Gianato
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Sincerely,

MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEM  
Steve Simpson, Recovery Division Director, FEMA

U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**JUN 28 2006**

The Honorable Jim Justice  
Governor of Charleston West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

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Jimmy J. Gianato
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<b>Alternate Fire Management Assistance Grant (FMAG) Program Representative</b>
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Michael L. Todorovich
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Sincerely,

MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEM  
Steve Simpson, Recovery Division Director, FEMA



U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**JUN 28 2016**

The Honorable Jim Justice  
Governor of Charleston West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

Re: Acknowledgement Pre-Determined FMAG Program GAR/AGAR

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**Fire Management Assistance Grant (FMAG) Program Representative**

Jimmy J. Gianato

**Alternate Fire Management Assistance Grant (FMAG) Program Representative**

Michael L. Todorovich

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Sincerely,

MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEFM  
Steve Simpson, Recovery Division Director, FEMA



U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

June 28, 2018

Governor Jim Justice  
Office of the Governor  
State Capitol, 1900 Kanawha Blvd. E  
Charleston, WV 25305

Dear Governor Justice:

This acknowledges receipt of your June 28, 2018 letter to President Trump requesting a major disaster declaration for the State of West Virginia as a result of flooding, landslides, mudslides and wind damage in May and June 2018. You specifically request the implementation of all categories of Public Assistance for Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan and Pendleton Counties; and Hazard Mitigation for the entire state in accordance with the Stafford Act.

Your request is being processed and you will be notified once a decision is made.

We understand that while your request is pending, you will continue to provide assistance to your citizens and will take steps to reestablish government services. To the extent that you are engaging in work that may be eligible for reimbursement if the requested Federal assistance is approved, the Recipient and Subrecipient must comply with all applicable laws and regulations, including applicable environmental and historic preservation requirements and obtain applicable permits. Please also note the procurement requirements for State and non-state entities under 2 CFR Part 200. We are available for technical assistance if needed.

Sincerely,

A handwritten signature in black ink, appearing to read "MaryAnn Tierney", written over a horizontal line.

MaryAnn Tierney  
Regional Administrator

\_\_\_\_\_

1.  $\frac{1}{x^2} = x^{-2}$

$$\frac{d}{dx} x^{-2}$$

$$= -2x^{-3}$$

2.

3.

to: Mr. Justice

March 16, 2018

70

U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

March 16, 2018

The Honorable Jim Justice  
Governor of the State of West Virginia  
Office of the Governor  
State Capitol, 1900 Kanawha Blvd. E  
Charleston, WV 25305

Dear Governor Justice:

This acknowledges receipt of your March 16, 2018 letter to President Trump requesting a major disaster declaration for the State of West Virginia as a result of severe storms and flooding in February 2018. You specifically request the implementation of all categories of Public Assistance for Brooke, Cabell, Calhoun, Doddridge, Hancock, Harrison, Lincoln, Logan, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor, Tyler, Wayne, Wetzel, Wirt and Wood Counties; and Hazard Mitigation for the entire state in accordance with the Stafford Act.

Your request is being processed and you will be notified once a decision is made.

We understand that while your request is being considered that you will be providing assistance to your citizens and taking steps to reestablish government services. To the extent that you are engaging in work that may be eligible for reimbursement if the requested Federal assistance is approved, the Recipient and Subrecipient must comply with all applicable laws and regulations, including applicable environmental and historic preservation requirements. We especially note the contracting requirements of 2 CFR Part 200 and the necessity to obtain applicable permits. We are available for technical assistance if needed.

Sincerely,

MaryAnn Tierney  
Regional Administrator



U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**FEB 22 2018**

The Honorable Jim Justice  
Governor of West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

**Re: Identify Pre-Determined FMAG Program GAR/AGAR**

**Dear Governor Justice:**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121, et seq. authorizes the President to provide Fire Management Assistance in response to a declared fire. Federal assistance is coordinated through the Department of Homeland Security's Federal Emergency Management Agency (FEMA). The Fire Management Assistance Grant (FMAG) Program can be utilized by States in the event of an uncontrolled wildfire when local and State efforts are insufficient to stop the spread of the fire and mitigate risk to the surrounding environment. Under the FMAG Program, FEMA provides assistance in the form of grants for equipment, supplies, and personnel costs, to any State, Indian tribal government, or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

During an uncontrolled wildfire, a request for an FMAG Program declaration can be submitted to the FEMA Regional Administrator, or designated FEMA Regional Fire Duty Liaison, by a Governor, a Governor's Authorized Representative (GAR) or an alternate GAR (AGAR). Typically, a GAR/AGAR for a disaster is not named until after a disaster is declared. In an attempt to facilitate the ease and expediency of a request, FEMA Region III is proactively requesting that States identify a pre-determined GAR/AGAR with the authority to submit an FMAG declaration request.

Please respond to this letter by **May 31, 2018** with the name/s of a pre-determined GAR, and if applicable AGAR (multiple AGARs may be submitted), who can specifically be given the authority to request an FMAG Program declaration in the event of a wildfire. Should you have any questions about the FMAG Program, please feel free to reach out to Aaron Verkist, *Emergency Management Specialist*, via email at [Aaron.Verkist@fema.dhs.gov](mailto:Aaron.Verkist@fema.dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'MaryAnn Tierney', with a stylized flourish at the end.

MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEM  
Steve Simpson, Recovery Division Director, FEMA

**FMAG GAR Request Template**

Date

MaryAnn Tierney  
Regional Administrator  
Federal Emergency Management Agency Region III  
615 Chestnut Street, 6<sup>th</sup> Flr.  
Philadelphia, PA. 19131

Dear Mrs. Tierney:

Pursuant to 44 CFR part 204, I would like to appoint the following individual/s as pre-determined Fire Management Assistance Grant (FMAG) governor's authorized representative/s (GAR):

FMAG Governor's Authorized Representative			
Name	Title	Phone Number	Email Address

FMAG Alternate Governor's Authorized Representative			
Name	Title	Phone Number	Email Address

**\*\*Multiple alternate GARs can be appointed\*\***

In the event of an uncontrolled wildfire, the above named individual/s will have the authority, to request an FMAG declaration and execute any required documents related to that process.

Should you have any question regarding this letter, please contact **\*\*list name, email address and phone number of point of contact for FMAG matters\*\***.

Sincerely,

Governor



U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**FEB 22 2018**

The Honorable Jim Justice  
Governor of West Virginia  
1900 Kanawha Blvd. East,  
State Capitol Building 1,  
Charleston, WV 25305

Re: Identify Pre-Determined FMAG Program GAR/AGAR

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MaryAnn Tierney  
Regional Administrator

Cc: Jimmy Gianato, Executive Director, WVDHSEM  
Steve Simpson, Recovery Division Director, FEMA

**FMAG GAR Request Template**

Date

MaryAnn Tierney  
Regional Administrator  
Federal Emergency Management Agency Region III  
615 Chestnut Street, 6<sup>th</sup> Flr.  
Philadelphia, PA. 19131

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Sincerely,

Governor

Felicia

ns

U.S. Department of Homeland Security  
Region III  
One Independence Mall, 6th Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

December 20, 2017

The Honorable Jim Justice  
Governor of West Virginia  
1900 Kanawha Blvd., East  
State Capitol Building I  
Charleston, WV 25305

Re: FEMA Public Assistance Alternative Procedures – Request for Time Extension – DR4273  
Nicholas County Schools

Dear Governor Justice:

This letter responds to your request dated September 8, 2017, for a time extension under the FEMA Public Assistance Alternative Procedures (PAAP) Permanent Work pilot program. In your letter you requested an additional six-month extension, through June 30, 2018, to the PAAP timeframe for reaching an agreement on the scope of work and fixed cost estimates for the replacement of three schools in Nicholas County, WV.

Through an ongoing consensus building effort, the School Building Authority, the State and County School Boards have demonstrated continued progress towards agreement on the school replacement projects. Based on these positive negotiations and the need for additional time to complete the consensus building effort, FEMA has approved a nine-month time extension, through September 25, 2018. The additional time granted will allow for the development of a negotiated scope of work and agreement on a fixed cost estimate under PAAP.

Sincerely,

A handwritten signature in dark ink, appearing to read "MaryAnn Tierney", is written over a horizontal line.

MaryAnn Tierney  
Regional Administrator

U.S. Department of Homeland Security  
Region III  
One Independence Mall, Sixth Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

**OCT 13 2017**

The Honorable Jim Justice  
Governor, State of West Virginia  
Office of the Governor  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305



Dear Governor Justice:

I am writing to inform you of some important information regarding the State of West Virginia's Hazard Mitigation Plan, which will expire on October 17, 2018.

The Federal Emergency Management Agency's (FEMA's) standards contained in the 44 Code of Federal Regulations, Part 201.3(c)(1), Part 201.3(c)(3), Part 201.4(a) and Part 201.4(d) require that State Mitigation Plans (SMPs) be updated and resubmitted to FEMA for approval every five (5) years.

Please be aware that the State must have an updated, FEMA-approved SMP in order to be eligible to apply for and/or receive the following types of FEMA assistance:

- Public Assistance Categories C-G (PA C-G)
- Fire Management Assistance Grants (FMAG)
- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Flood Mitigation Assistance (FMA)

To maintain its eligibility for these grants, regulations require that the State must have an approved SMP at the time it receives the grants. Therefore, if your plan expires before you have an updated SMP approved by FEMA, the State will no longer be eligible for, and FEMA will not award, any of the above grants. This is not a permanent stop to and loss of funding, but it is a temporary hold on awards and funding until the updated SMP is approved.

Failing to have an approved updated SMP will affect funds for which you are applying, including proposals under consideration, under any annual FEMA mitigation grant program (except PDM planning grants). It also will affect awards and obligations of Public Assistance Categories C-G, Hazard Mitigation Grant Program (HMGP), and Fire Management Assistance Grants (FMAG) available under declarations that were made before your plan expired.

The Honorable Jim Justice

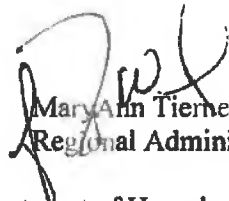
Page 2

In the event that the State receives a new declaration under the Stafford Act while your SMP is lapsed, these forms of assistance will not be authorized unless and until the State submits an updated SMP that meets FEMA requirements within 30 days of the disaster declaration. The State must also formally adopt within 45 days of FEMA's notice that the plan meets all requirements. Individual Assistance and Public Assistance Categories A-B are not affected.

FEMA Region III will continue to provide technical assistance to your staff with the goal of approving your updated SMP as soon as possible or no later than October 17, 2018, when your current approved SMP will expire.

For additional information, please contact me at (215) 931-5600, or have a member of your staff contact Janice Barlow, Acting Director, Mitigation Division, at (215) 931-5669.

Sincerely,



Mary Ann Tierney  
Regional Administrator

cc: Jimmy Gianato, Director, West Virginia Department of Homeland Security and Emergency Management  
Michael Todorovich, Deputy Executive Director, West Virginia Department of Homeland Security and Emergency Management  
Albert M. Lisko, Jr., Director, Mitigation and Recovery, West Virginia Department of Homeland Security and Emergency Management  
Brian Penix, State Hazard Mitigation Officer



**FEMA**

August 14, 2017

The Honorable Jim Justice  
Governor of the State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, West Virginia, 25305

Dear Governor Justice:

This acknowledges receipt of your August 11, 2017 letter to President Donald Trump requesting a Major Disaster Declaration for the State of West Virginia as a result of severe storms, flooding, landslide, and mudslide that impact the State beginning July 28, 2017, continuing through July 29, 2017. You specifically request the implementation of Individual Assistance Program for Harrison, Marion, Marshall, Ohio, and Wetzel counties. You also specifically request the implementation of Public Assistance Program for all categories for Doddridge, Harrison, Marion, Monongalia, Marshall, Ohio, Preston, Randolph, Taylor, Tucker, Tyler, and Wetzel counties and Hazard Mitigation to all counties in the State of West Virginia in accordance with the Stafford Act.

Your request is being processed and you will be notified once a decision is made.

We understand that while your request is being considered that you will be providing assistance to your citizens and taking steps to reestablish government services. To the extent that you are engaging in work that may be eligible for reimbursement if the requested Federal assistance is approved, the applicant and sub-applicants must comply with all applicable laws and regulations, including applicable environmental and historic preservation requirements. We especially note the contracting requirements of 2 CFR Part 200 and the necessity to obtain applicable permits. We are available for technical assistance if needed.

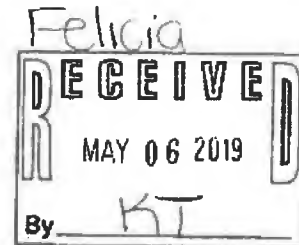
Sincerely,

MaryAnn Tidney  
Regional Administrator



**FEMA**

April 26, 2019



The Honorable Jim Justice  
Governor of West Virginia  
1900 Kanawha Boulevard, East  
State Capitol Building 1  
Charleston, WV 25305

Re: State Assessment of the State of West Virginia on Floodplain Management Regulations for State-Owned Properties in the Special Flood Hazard Areas (SFHAs).

Dear Governor Justice:

On behalf of the Federal Emergency Management Agency, I am sending this letter in regard to the floodplain management requirements for state-owned properties located within Special Flood Hazard Areas (SFHAs). The National Flood Insurance Program (NFIP) is a voluntary program under which federal flood insurance is made available to participating communities in exchange for a commitment by those communities to adhere to sound floodplain management practices.

In order for a community to participate in the NFIP and obtain the benefit of federal flood insurance, it must adopt and enforce adequate land use and development criteria that are consistent with the minimum standards established by the NFIP at Code of Federal Regulations 44 (CFR) § 60. States are considered communities under the NFIP, and to be eligible to purchase federal flood insurance for state-owned structures or their contents, a state must adhere to the same NFIP minimum standards as other communities.

The regulations that specify the minimum criteria for community floodplain management regulations are outlined in 44 CFR § 60.3 (flood-prone areas), § 60.4 (mudslide-prone areas), and § 60.5 (flood-related erosion-prone areas). Pursuant to § 60.12(a), states must either 1) Comply with the floodplain management requirements of all local communities participating in the program in which state-owned properties are located; or (2) Establish and enforce floodplain management regulations which, at a minimum, satisfy the criteria set forth in §§ 60.3, 60.4, and 60.5.

Pursuant to § 60.12(c), if a state-owned property is located in a non-participating local community, then the state must establish and enforce its own regulations that satisfy the NFIP minimum criteria. States that fail to adopt or enforce sufficient floodplain management regulations may be placed on probation or suspended from the NFIP, and may become ineligible for some types of federal assistance in areas of identified flood risk.



Therefore, pursuant to 44 CFR § 60.11, within six months from receipt of this letter, I am requesting that your state provide documentation on state legislative language and authorities adopted to ensure compliance with minimum NFIP standards and the administration of existing floodplain management programs (i.e. responsible state agencies, program structure and program implementation). I have attached a summary of these requirements and benefits of compliance factsheet to this letter for your use.

I have included your State NFIP Coordinator on this solicitation. While your State NFIP Coordinator is tasked with supporting delivery of the NFIP at the local level, we believe he or she could also serve as a valuable resource as the state navigates data collection in order to respond to this request. However, please note that fulfillment of this request may require coordination with multiple state agencies. Additionally, coordination with state agencies on adoption and implementation of state executive orders and regulations that meet the NFIP regulations for state development in the SFHA is listed as an eligible activity under the FY18 Notice of Funding Opportunity (NOFO) for the Community Assistance Program-State Support Services Element (CAP-SSSE) program and will remain an eligible activity under the FY19 NOFO. CAP-SSSE funds at least a portion of the activities implemented by your State NFIP Coordinator's Office.

Please note that I have designated Sarah Wolfe as the point of contact within my office for this matter. She may be contacted via email at [Sarah.wolfe@fema.dhs.gov](mailto:Sarah.wolfe@fema.dhs.gov).

Finally, please note that FEMA is planning to schedule two informational webinars between May and June 2019 to coordinate with states about this request and answer any questions they may have. We will provide information about these webinars to Governor's Offices via email as well as the NFIP State Coordinating Offices.

Sincerely,



MaryAnn Tierney  
Regional Administrator

**Enclosures**

cc: Mike Todorovich, Director, Division of Homeland Security & Emergency Management  
Kevin Sneed, CFM, State NFIP Coordinator, West Virginia Office of Emergency Services  
Rebecca Blaine, Governor's Office

## REQUIRED DOCUMENTATION

### Summary of Information Required for NFIP-Participating States on Floodplain Management Regulations for State-Owned Properties

*States must provide Requirements 1 & 2 if they administer their own program for state-owned property or in reference to state-owned properties located in non-participating local communities; States must provide Requirement 3 in reference to state-owned properties in which the state adopts and enforces the floodplain management requirements of all local communities participating in the program; All states must provide Requirement 4.*

1. Citations to state and local statutes and regulations authorizing actions regulating land use and copies of the local laws and regulations cited;
2. A copy of the floodplain management regulations the state has adopted to meet the requirements of the National Flood Insurance Program (see §§ 60.3, 60.4 and/or § 60.5). This submission may include copies of any zoning, building, and subdivision regulations, health codes, special purpose ordinances (such as a floodplain ordinance, grading ordinance, or flood-related erosion control ordinance), and any other corrective and preventive measures enacted to reduce or prevent flood, mudslide (i.e., mudflow) or flood-related erosion damage;
3. State regulations requiring the state to adhere to local floodplain management regulations and permitting and procedures by which the state applies for local permits for development to satisfy the minimum National Flood Insurance Program standards.
4. An executive-level summary concerning state administration of floodplain management regulations, including program structure and implementation. The summary should address details such as:
  - (i) Which state agencies are involved in Floodplain Management;
  - (ii) Whether there is a central agency or POC for coordination within the state;
  - (iii) If and how permits are issued for development in the Special Hazard Flood Areas (SFHAs);
  - (iv) How compliance is tracked; and
  - (v) How violations are identified and addressed.

## **BENEFITS OF THE STATE ASSESSMENT**

**The following describes the financial and non-financial benefits of compliance with the State Assessment:**

- The entire nation must work as a team to increase pre-disaster mitigation in communities. By coordinating with the states to put an emphasis on their own regulations for floodplain management, states will gain a better understanding of the risks to properties in flood-prone areas and the responsibility the state has to manage that risk. This will help to improve the state's overall flood preparedness and reduce losses from flooding.
- The minimum National Flood Insurance Program standards for floodplain management are intended to prevent loss of life and property, as well as economic and social hardships that results from flooding. Nationwide each year, NFIP-based floodplain management regulations help prevent more than \$1 billion in flood damages.
  - For floodplain management practices to make a positive impact in creating loss-avoidance, communities (including states) must take a holistic approach to application of floodplain management regulations.
  - Adopting and enforcing floodplain management practices result in lower disaster relief costs, as well as reduced insurance rates, due to projected lower losses from flood risks.
  - Responses will help states identify gaps within their existing floodplain management programs and policies to ensure they are managing their risk and upholding their vital responsibility to protect life and property of their citizens.
- Through this State Assessment, FEMA intends to identify opportunities for improvements to floodplain management programs that will be necessary in several states. Strengthening floodplain management programs will help to better protect the federal investment that is routinely made in state buildings located in Special Flood Hazard Areas, particularly post-disaster.
- Collection and analysis of this information will assist FEMA to:
  - Optimize its technical assistance engagement strategy through prioritization of states that require technical assistance, strategic planning, and other support activities to better reduce the risk of current and future flooding, resulting in more resilient communities.
  - Identify and prioritize best opportunities for state and local investment in floodplain management and mitigation.
  - Streamline the process for providing post-disaster Public Assistance grants to eligible states based on compliance with the National Flood Insurance Program minimum criteria.